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Toma and President Petersen*

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Mi Familia Vota,

Plaintiff,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,

Defendant.

No. 2:22-cv-00509-SRB (Lead)

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION TO ADMIT
CERTAIN DEPOSITION EXHIBITS
FROM LEGISLATOR
DEFENDANTS' DEPOSITIONS**

AND CONSOLIDATED CASES

1 Plaintiffs seek to admit into evidence eight exhibits from the depositions of Speaker
2 Toma and President Petersen. *See* Doc. 675. Included within Plaintiffs' motion was a chart
3 indicating Defendants' objections to the exhibits. *Id.*

4 Defendants do not believe that any further briefing is necessary with respect to their
5 objections on the grounds of hearsay and relevance (PX No. 599, 602, 603, and 605). To
6 the extent that the Court decides to admit those exhibits not for the truth of the matter
7 asserted but for the effect on the reader, the Court should also admit the two exhibits
8 Defendants marked and seek to move into evidence from Speaker Toma and President
9 Petersen's depositions (DX No. 976, 977). *See* Doc. 680. Just like PX No. 599, Defense
10 Exhibit 976 is an email involving Speaker Toma and Representative Chaplik regarding
11 revisions to HB2617. And like PX No. 605, Defense Exhibit 977 is an email sent by Greg
12 Blackie of the Free Enterprise Club to President Petersen regarding one of the challenged
13 laws.

14 Defendants maintain their objection that PX No. 598, the House Majority Caucus
15 Notes for February 22, 2022, is cumulative to the transcript of that caucus admitted as PX
16 No. 055. Plaintiffs are the ones who prepared that transcript, which fully covers the portion
17 of the caucus regarding HB2492.

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19 RESPECTFULLY SUBMITTED this 22nd day of December, 2023.
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GALLAGHER & KENNEDY, P.A.

By: /s/ Hannah H. Porter

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14
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16 *Republican National Committee*

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18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on December 22, 2023, I electronically transmitted a PDF
20 version of this document to the Clerk of Court, using the CM/ECF System for filing and
21 for transmittal of a Notice of Electronic Filing.
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23
24 /s/D. Ochoa

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26 9768302v1/40847-0004